



**CITY COUNCIL  
MEETING MINUTES**

**JUNE 15, 2009 7:30 PM**

**I. CALL TO ORDER**

**A. Flag Salute**

Deputy Mayor Singer called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

**B. Roll Call**

Deputy Mayor Singer and the following Councilmembers were present: Rich Wagner, Gene Cerino, Nancy Backus, Bill Pelloza, Lynn Norman, and Virginia Haugen.

Staff members present included: City Engineer/Assistant Public Works Director Dennis Selle, Parks Planning and Development Manager Bob Wuotila, Information Services Director Lorrie Rempher, Human Resources and Risk/Property Management Director Brenda Heineman, Transportation Planner/Grants Manager Chris Hankins, Chief of Police Jim Kelly, City Attorney Daniel B. Heid, Planning, Building and Community Director Cindy Baker, Finance Director Shelley Coleman, and Deputy City Clerk Cathy Richardson.

**C. Announcements and Appointments**

**1. Announcements**

There was no announcement.

**2. Appointments**

There was no appointment for Council consideration.

**D. Agenda Modifications**

Agenda modification included removal of Item VIII.B.6, Resolution No. 4501, from the agenda.

## II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

### A. Public Hearings

#### 1. **Revision to the 2009-2014 Six Year Transportation Improvement Program**

State law requires the City of Auburn to annually prepare and adopt a comprehensive transportation improvement program (TIP) for each ensuing six calendar years. State law also provides that the TIP may be revised at any time, but only after conducting a public hearing. The City proposes to add a new project to the TIP for a traffic signal at the intersection of 4<sup>th</sup> Street SE and F Street SE

*(See Item No. VIII.B.4, Resolution No. 4498, for further action on this item.)*

Transportation Planner/Grants Manager Chris Hankins reviewed the proposed amendment to the 2009-2014 TIP for a traffic signal at the intersection of 4<sup>th</sup> Street SE and F Street SE which will be funded by a grant from the Washington State Department of Transportation (WSDOT) in the amount of \$396,720. The grant required no matching funds from the City. The new signal will substantially increase vehicular safety by reducing the number and severity of documented vehicle accidents and will also provide increased pedestrian safety. There are several elementary schools and one high school located in the immediate area of the intersection. The installation of the traffic signal will also provide increased capacity at the intersection.

At 7:36 p.m., Deputy Mayor Singer opened the public hearing.

No one in the audience requested to speak.

At 7:37 p.m., Deputy Mayor Singer closed the public hearing.

**B. Audience Participation**

*This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.*

Nicole Patrino-Salter, 31021 132<sup>nd</sup> Way SE, Auburn

Ms. Patrino-Salter spoke on behalf of herself and her neighbors regarding the moratorium on conditional use permits (CUP's) in the Lea Hill area. Ms. Patrino-Salter stated that the moratorium has been responsible for two voided sales for their properties. She expressed their desire to sell their properties within the framework of the C-1 zoning, which is inclusive of multi-family dwellings, and urged the Council to lift the moratorium so that they can proceed with the sale and development of their properties.

Rudy Terry, 31011 132<sup>nd</sup> Avenue SE, Auburn

Mr. Terry concurred with statements made by Ms. Patrino-Salter adding that development in the Lea Hill area could provide employment in the Auburn area and tax revenue for the City. Mr. Terry urged the Council to lift the moratorium.

Karen Campbell 31049 129<sup>th</sup> Place SE, Auburn

Ms. Campbell concurred with statements made by Ms. Patrino-Salter and Mr. Terry.

Deputy Mayor Singer inquired regarding status on the moratorium timeline.

Planning, Building and Community Director Baker reported that staff are reviewing potential solutions and are currently awaiting additional information related to traffic.

City Engineer/Assistant Public Works Director Dennis Selle stated that staff are in the process of analyzing the data and anticipate that it may take a few more weeks before a determination can be made.

**C. Correspondence**

There was no correspondence for Council review.

**III. COUNCIL COMMITTEE REPORTS**

A3.7.6

**A. Municipal Services**

Chair Cerino reported that the Municipal Services met June 8, 2009 at 4:00 p.m. The Committee approved consent items including contract administration for Project No. CP0910, Justice Center Parking Lot Modifications, Ordinance No. 6244 relating to dangerous dogs, and Resolution No. 4494 relating to Jacobson Tree Farm and the related trail. The Committee also discussed Resolution No. 4496, and the Committee matrix, including methods of notification to new residents regarding the dangerous dog regulations and Howard Hanson Dam fall flooding. The next regular meeting of the Municipal Services Committee is scheduled for June 22, 2009 at 4:00 p.m.

**B. Planning & Community Development**

Chair Norman reported that the Planning and Community Development Committee met on June 8, 2009 at 5:00 p.m. The Committee approved Resolution No. 4491 regarding Les Gove Community Campus and Resolution No. 4494 regarding Jacobsen Tree Farm. The Berger Partnership proposes to conduct a three phase Master Plan process to develop plans for the park property. Committee members also discussed amendments to the Downtown Urban Design Standards and a feasibility study for a multi-purpose trail from Auburndale II Park to the Jacobson Tree Farm. The Committee also discussed population targets, which are a requirement of the Growth Management Act and Puget Sound Regional Council, in order to determine the population that can be accommodated in Auburn. Chair Norman spoke regarding challenges faced by Committee members in their efforts to meet State requirements, providing the supporting infrastructure related to population targets, and the lack of funding for the supporting infrastructure. The Committee also discussed changes to Cottage Housing regulations, Cluster Subdivision regulations, multi-family mixed use design standards, and the graffiti program. The Hearing Examiner will be attending the upcoming Planning and Community Development Committee meeting to review procedures and results of recent code changes. The Committee also received a report from Mayor Lewis on the Howard Hanson Dam. The next regular meeting of the Planning and Community Development Committee is scheduled for June 22, 2009 at 5:00 p.m.

In response to questions from Deputy Mayor Singer, Chair Norman explained that citizens receiving a notice related to graffiti removal

will also be provided with information on services available to help them remove the graffiti.

**C. Public Works**

Chair Wagner reported that the Public Works Committee met this afternoon at 3:00 p.m. The Committee approved Right-of-way Use permits and contract administration items. The Committee also approved Resolution No. 4450 relating to extension of the moratorium for filing for building permits in the area of the Mill Creek tributaries to provide sufficient time to complete the Storm Drainage Plan and National Pollution Discharge Elimination System (NPDES) manual in order to adequately address the drainage problems in that area. The Committee also discussed Ordinance No. 6250, Resolution No. 4501, the Energy and Efficiency Conservation Block Grant strategy document, M Street Grade Separation project, Transportation Plan update for the Lea Hill and West Hill annexed areas, code update project, the storm drainage manual for NPDES, and capital projects status report. The next regular meeting of the Public Works Committee is scheduled for July 6, 2009 at 3:00 p.m.

**D. Finance**

Chair Backus reported that the Finance Committee met this evening at 6:00. The Committee approved claims and payroll vouchers, Ordinance No. 6250 related to petty cash and change funds for the Parks Department and Senior Center, and Resolution No. 4496 regarding extension of the public defense service contract. The Committee also discussed Resolution No. 4501, which was tabled, Resolution Nos. 4500 and 4491, and Ordinance No. 6244. Due to time constraints, discussion of Resolution No. 4497 will continue at the next regular Finance Committee meeting which is scheduled for July 6, 2009 at 6:30 p.m.

**E. Community Center**

Chair Wagner reported that the Community Center Committee met on June 8, 2009 at 11:00 a.m. The Committee approved Resolution No. 4491 which expresses support and pledges to try to identify funding to start the Community Center project in January 2010. The Committee also discussed the Leadership in Energy and Environmental Design (LEED) Certification, which will proceed as the project is currently half way through the certification process. Committee members also discussed whether to proceed with the Community Center artwork project, which is approximately

30% complete. The Committee is awaiting input from the artist as to whether the artwork project should also be postponed or if it would be more efficient to complete it. There is no other meeting scheduled at this time.

**F. Downtown Redevelopment**

Chair Norman reported that the Downtown Redevelopment Committee met on June 12, 2009 at 4:00 p.m. The Committee discussed potential options for improvement to the way finding signage in the downtown area. The Committee also discussed pedestrian lighting on Main Street and whether the lighting in the old part of downtown should be the same as in redeveloped areas of downtown. The Committee is awaiting input from the Auburn Downtown Association and the developer. The Committee also met for a special meeting on June 12, 2009 at 10:30 a.m. to discuss the color choices for the new parking structure located behind City Hall. The next regular meeting of the Downtown Redevelopment Committee is scheduled for June 23, 2009 at 4:00 p.m.

**IV. REPORTS**

*At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.*

**A. From the Council**

Councilmember Wagner reported that he attended a Regional Access Mobility Partnership and Pierce County Transportation forum where he heard a report from the Washington State Department of Transportation (WSDOT) regarding their progress in evaluating numerous areas for potential tolling. WSDOT has established an Office of Tolling for the purpose of evaluating tolling throughout the state. WSDOT also spoke regarding the mega projects that are going on, mainly in Seattle, including the bridge and viaduct projects.

Councilmember Backus congratulated Councilmember Pelosa and the Parks Department on the successful opening of the Auburn International Farmers Market (AIFM).

Councilmember Norman reported that the work of the Boundless Playground Committee continues and the Committee will meet on June 17, 2009. The brochure on the playground has been

completed and the Committee continues its fundraising efforts. The Boundless Playground will provide active play for children of all abilities as well as providing access for supervising adults who have limited mobility. She also attended the DARE graduation at Evergreen Heights Elementary. Councilmember Norman commended the efforts of the Noon Kiwanis for the wonderful breakfast they supplied at the grand opening of the AIFM. She also attended the Chamber of Commerce Recognition of Service dinner, which was the first time they awarded the Bill Kyle Community Service Award. Representative Pat Sullivan was the recipient. She also attended the Leadership Institute of South Puget Sound graduation at which Auburn Police Commander Jamie Sidell was selected by his peers to be speaker for the class. Councilmember Norman reminded the public that they are continuing to hold special meetings related to the code update project and encouraged the public to attend.

Councilmember Cerino reported that he attended the Chamber of Commerce Recognition of Service dinner and the grand opening of the AIFM.

Councilmember Pelosa reported that he attended the Regional Water Quality Committee to discuss the release of the April 2009 Regional Water Supply Planning Process report which encompasses King County's perspective on what the region is facing, the competing demands for water as populations increase, and habitat changes. He also toured the Cedar Hills Landfill and the new the BIO Energy Washington gas energy plant. The plant will process and purify the methane gas resulting from decomposing garbage, converting it to natural gas which will be sold to Puget Sound Energy and will also reduce the Cedar Hills Landfill carbon footprint by approximately 63%. He also took part in the Federal Way Flag ceremony. Councilmember Pelosa reported that there were approximately 2,000 attendees and 45 vendors at the AIFM grand opening. The event was a tremendous success and several vendors sold all of their merchandise within two hours. Councilmember Pelosa thanked Market Manager Lillie Brinker and the many volunteers that contributed to the success of the market, the Soroptimist Club for their contribution of 500 AIFM sustainable shopping bags, and the Nelson family for use of 1700 century bell for the opening of the market.

Councilmember Haugen commended the efforts of Councilmember Pelloza and other volunteers for their work on the AIFM. She also attended the Chamber of Commerce Recognition of Service dinner.

Deputy Mayor Singer commended the efforts of Parks Department staff, in particular Recreation Special Programs/Market Manager Julie Brewer and Parks, Arts and Recreation Director Daryl Faber. Deputy Mayor Singer reported on the success of Discover Auburn week. She also attended a ribbon cutting ceremony at the SuperMall for the grand opening of rue21 and the dedication of the art projects at the Auburn Golf Course clubhouse. Deputy Mayor Singer reported that she was appointed to the Highway 405/167 Corridor Executive Advisory Committee by Governor Gregoire. She attended the Senior Center coffee hour where citizens inquired regarding the Community Center and also expressed interest regarding the presence of Washington State Patrol (WSP) at Washington Elementary. Deputy Mayor Singer reported that the WSP received a grant to provide patrolling in school zones throughout South King County. She also spoke at the Auburn Regional Medical Center Health Point press conference regarding their new health care pilot program and attended meetings on the Coordinated Incubator Grant Proposal with Councilmember Wagner, including one meeting with Deputy Secretary of Housing and Urban Development Ron Sims.

**B. From the Mayor**

**V. CONSENT AGENDA**

*All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.*

**A. Minutes**

- 1. Minutes of the June 1, 2009 regular City Council meeting.**

**B. Vouchers**

F4.9.2, F4.9.5

- 1. Claims**

Claims check numbers 385898 through 386330 in the amount of \$4,490,562.44 and one wire transfer in the amount of \$4,904.00 and dated June 15, 2009.



**2. Payroll**

Payroll check numbers 526648 to 526754 in the amount of \$819,431.02 and electronic deposit transmissions in the amount of \$1,148,716.22 for a grand total of \$1,968,147.24 for the pay period covering May 28, 2009 to June 10, 2009.

**C. Contract Administration****1. Public Works Project No. CP0907**

O4.9.1 CP0907

City Council grant permission to advertise for Project No. CP0907, 2009 Arterial/Collector Street Pavement Preservation.

**2. Public Works Project No. CP0611**

O4.9.1 CP0611

City Council grant permission to advertise for Project No. CP0611, M Street NE/Harvey Road and 8<sup>th</sup> Street NE Improvements.

**3. Public Works Project No. CP0731**

O4.6.3 CP0731

City Council grant permission to advertise for bids for Project No. CP0731, 2007 Sewer Repair and Replacement Project.

**4. Public Works Project No. C504A**

O4.9.1 C504A

City Council approve Change Order No. 3 in the amount of \$220,231 to Contract 05-17 with Interwest Development for work on Project No. C504A, R Street Utility Improvements.

Councilmember Wagner moved and Councilmember Cerino seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 6-0.

**VI. UNFINISHED BUSINESS**

There was no unfinished business.

**VII. NEW BUSINESS**

There was no new business.

**VIII. ORDINANCES AND RESOLUTIONS**

**A. Ordinances**

**1. Ordinance No. 6244**

O1.1

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 6.35.010, 6.35.020, 6.35.030, 6.35.035, and 6.35.040 of the Auburn City Code relating to dangerous dogs

Councilmember Cerino moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6244.

Councilmember Norman expressed concern regarding the increase in the registration fee for dangerous dogs on page 6 of 9 from \$100 to \$500 per year. She fears the high cost will discourage dog owners from registering their pets.

Councilmember Cerino stated that the fee only applies if a dog is declared dangerous by law. Most cities opt to ban the animal entirely. Auburn allows the citizen to keep their dog by paying the \$500 registration fee and providing an adequate containment for the dog. It is his opinion that if Council is opposed to the higher fee, then dangerous dogs should be banned in the City of Auburn.

Councilmember Haugen also expressed concern regarding the increased fee and moved to amend the fee from \$500 to \$250. The motion was not seconded.

Councilmember Wagner inquired regarding the financial penalty for owners who do not register their dangerous dog.

City Attorney Heid stated that failure to register a dangerous dog is a criminal violation and may be charged as a misdemeanor for which the penalty is \$1000 or 90 days in jail, or both.

Councilmember Wagner stated that he would support lowering the fee imposed for registering a dangerous dog. He commended the efforts of the Municipal Services

Committee for improving the specifics related to appropriate enclosure requirements.

Councilmember Pelosa stated that the registration fee was extensively discussed in Municipal Services Committee. Comparisons with other local jurisdictions revealed that dangerous dogs are either banned entirely or a high registration fee is charged in an effort to get the attention of the dangerous dog owners. Those that choose not to register their dangerous dogs would do so at the risk of being penalized.

Councilmember Haugen suggested that Council consider returning Ordinance No. 6244 to committee.

MOTION CARRIED. 5-1. Councilmember Haugen voted no.

**2. Ordinance No. 6250**

F4.11

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 3.04.600 and 3.04.610 of the Auburn City Code relating to funds

Councilmember Backus moved and Councilmember Pelosa seconded to introduce and adopt Ordinance No. 6250.

In response to questions from Councilmember Haugen, Director Coleman clarified the purposes and differences of petty cash funds and change funds.

MOTION CARRIED UNANIMOUSLY. 6-0.

**B. Resolutions**

**1. Resolution No. 4491**

O3.3.2, O5.1.2

A Resolution of the City Council of the City of Auburn, Washington, directing the Mayor to move forward with necessary steps to put into effect the City of Auburn Les Gove Community Campus Development Plans

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4491.

Councilmember Peloza spoke in support of Resolution No. 4491.

Councilmember Haugen spoke in opposition to Resolution No. 4491.

MOTION CARRIED. 5-1. Councilmember Haugen voted no.

**2. Resolution No. 4494**

O5.2

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to enter into a contract with the Berger Partnership PS to develop a master plan for the Jacobsen Tree Farm property

Councilmember Norman moved and Councilmember Backus seconded to adopt Resolution No. 4494.

Councilmember Haugen inquired regarding the costs for the master plan.

Councilmember Haugen was directed to the Council agenda packet for information related to costs. Deputy Mayor Singer stated that the contract is with an outside agency so staff is only minimally involved. The project is grant funded.

MOTION CARRIED UNANIMOUSLY. 6-0.

**3. Resolution No. 4496**

A3.12.5

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute a contract for public defense services for July 1, 2009 – December 31, 2009 between the City and the Law Offices of Matthew J. Rusnak

Councilmember Backus moved and Councilmember Peloza seconded to adopt Resolution No. 4496.

MOTION CARRIED UNANIMOUSLY. 6-0.

**4. Resolution No. 4498**

O4.9.3

A Resolution of the City Council of the City of Auburn, Washington, amending the 2009-2014 Six-Year Transportation Improvement Program of the City of Auburn pursuant to R.C.W. Chapter 35.77 of the laws of the State of Washington

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4498.

Councilmember Haugen spoke in opposition to Resolution No. 4498.

Deputy Mayor Singer pointed out that Resolution No. 4498 adds a grant funded traffic signal to the Transportation Improvement Program.

MOTION CARRIED UNANIMOUSLY. 6-0.

**5. Resolution No. 4500**

O3.1

A Resolution of the City Council of the City of Auburn, Washington, extending the moratorium established by Resolution No. 4300, and as amended and extended by Resolution Numbers 4321, 4383, 4433 and 4459, on the filing of certain land use, building and grading permit applications in the drainage area contributing surface flows to Mill Creek Tributaries 0045, 0047, 0048 and 0053 as identified by King County and as defined herein, continuing to be effective for a period ending December 15, 2009, and setting a date for a public hearing

Councilmember Wagner moved and Councilmember Cerino seconded to adopt Resolution No. 4500.

Councilmember Haugen spoke against Resolution No. 4500 stating that she believes that the City of Auburn has a long history of accommodating developers.

**IX. ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:41 p.m.

APPROVED THE \_\_\_\_\_ DAY OF JULY 2009.

\_\_\_\_\_  
Sue Singer, Deputy Mayor

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Cathy Richardson, Deputy City Clerk

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